

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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DATE: July 29, 2005 ACLA Letter No. 05-06

TO: All County Lead Agencies (ACLA)

SUBJECT: SUBSTANCE ABUSE AND CRIME PREVENTION ACT OF 2000
(SACPA) – POLICY CLARIFICATION ON SACPA PROVISIONS FOR
PURCHASE OF HOUSING FOR OUTPATIENT CLIENTS

REFERENCE: Title 9, California Code of Regulations (CCR), Sections 9530 and 9505

This letter provides policy clarification to the provisions of Section 9530(b), of the SACPA regulations (Title 9, CCR). Section 9530 generally addresses allowable costs and activities for Substance Abuse Treatment Trust Fund (SATTf) funds. Section 9530(b) provides specific guidance to counties and local Proposition 36 programs in arranging and paying for housing services purchased from unlicensed housing providers. Typically, those housing providers are Sober Living Environment (SLE) or transitional housing-type facilities.

A large number of counties have expressed to the Department of Alcohol and Drug Programs confusion about the requirements set forth by the housing-related provision of Section 9530(b). Clarification has been requested to define the meaning of “affiliation,” and to confirm requirements for county-operated programs, where the drug treatment provider is the county.

The pertinent portions of Section 9530(b) are:

9530(b)(1): Miscellaneous costs may include the cost of housing only if:

- (A) The client is concurrently receiving drug treatment services as defined in Section 9505¹;
- (B) The facility providing housing is affiliated with a drug treatment program as defined in Section 9505 and has a contract with the county lead agency to provide housing pursuant to the Act; and
- (C) The combined cost of housing and drug treatment services provided to the client does not exceed the median cost of residential drug treatment services paid for by the same county pursuant to the Act.

¹ Section 9505(9): “Drug treatment services” means the services described in Section 1210(b) of the Penal Code (PC) provided by drug treatment programs. PC 1210(b) generally describes or references drug treatment programs which have been either licensed or certified by ADP, with only a few specific exceptions.



Clarification of Section 9530(b)(1)(B) is offered on two points:

1. In addition to the general understanding of the term "affiliation," as implying common ownership and/or control, the term within the context of the regulation section may mean a contract or Memorandum of Understanding (MOU) which sets forth performance requirements on services only. Payment for those services is via a contract with the lead agency. If the lead agency delegates contractual authority, such a delegation must be made in writing.
2. When the county is the treatment provider and operates the SLE, there is no need for an MOU or a contract, as affiliation of the SLE is understood. However, if the SLE is operated by a private entity, a contract with the county lead agency must be executed. In that case, the contract will be considered to establish an affiliation.

If you have questions regarding these policy clarifications, please contact your SACPA county analyst or the Office of Criminal Justice Collaboration at (916) 445-7456 or SACPA@adp.state.ca.us.

Sincerely,

[Original Signed By]

NANETTE F. RUFO
Acting Deputy Director
Office of Criminal Justice Collaboration